

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

STATE OF FLORIDA  
Plaintiff

CASE : 09- 14241 CF 10 A

VS

JUDGE: DALE COHEN

STEVEN GIBBS  
Defendant

**SWORN MOTION TO RECUSE JUDGE AND ASSIGN NEW DIVISION**

COMES NOW, the Defendant, Steven Gibbs by and through the undersigned Attorney who files this sworn Motion to Recuse the Trial Judge pursuant to Florida Rules of Judicial administration rule 2.160 and get case assigned to new Division and as grounds would state the following:

- 1 The defendant was arrested and formally charged by the Office of the Broward  
2 States Attorney with a felony.
- 3 The defendants case was randomly assigned to the Honorable Judge Dale Cohen.
- 4 The undersigned Counsel was retained to represent the defendant in the above  
5 matter
- 6 While the above case was pending the undersigned Counsel began to work as an  
7 active fund raiser, and speaker on behalf of the Honorable Judge Pedro Dijols  
8 retention campaign
- 9 In fact prior to the fund raiser for Judge Dijols at the law office of the undersigned  
10 Counsel, the undersigned received a telephone call from Mardi Cohen who was  
11 running under the name of Mardi Levey
- 12 During this telephone conversation Ms Cohen threatened that the fund raiser  
13 information posted by the undersigned was in violation of election rules and that  
14 the undersigned was making a big mistake .
- 15 Judge Dijols was being challenged by Bernard Bober and Mardi Levey Cohen,

wife of the Judge Dale Cohen who was running under the name of Mardi Levey

8 The election results were so close as to require a hand recount by the Broward  
County canvassing board.

9 After the recount the undersigned began his research along with other Attorneys to  
file a lawsuit against Mardi Levey, the wife of the defendant as to her  
qualifications to run for Judge

10 The undersigned at this point in time was and is still acting as an attorney for the  
Honorable Judge Pedro Dijols

11 While the recount was going on the Honorable Judge Dale Cohen appeared at the  
recount on behalf of his wife

12 After the Broward supervisor of elections certified the election, the undersigned  
Counsel conferred with Attorney William Scherer as to the lawsuit to be filed  
against Mardi Levey.

13 The defendant was clearly acting in this Capacity against the interest of the wife of  
the Honorable Judge Dale Cohen

14 The lawsuit was ultimately filed against Mardi Levey and the Broward supervisor  
of elections to have Mardi Levey disqualified from the ballot

15 The lawsuit also mentioned the involvement of the Honorable Judge Dale Cohen  
who was present during the recount on behalf of his wife.

16 The undersigned was retained by the defendant during the campaign however did  
not disclose this information or find that this information was relevant until the  
decision to file the lawsuit was made.

17 The undersigned counsel has conferred with the defendant as to the above situation  
and the undersigned's involvement in the lawsuit and the accusations in it against  
the trial court Judge Dale Cohen and his wife Mardi Levey.

18 In McQueen v. Roy 785 So. 2<sup>nd</sup> 512 ( Fla 3<sup>rd</sup> DCA 2000) the court stated that a  
recusal was appropriate where one of the parties had dealings with a relative of the  
Court.

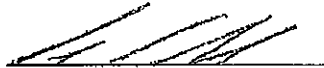
19 The defendant was advised of the above facts and it's possible complications

20 That based on the above facts and above mentioned bias of the Trial court , the

defendant believes he will not receive a fair trial and impartial trial from the trial court.

And that based on the above the Defendant prays this Honorable court grant this Motion

I, Steven Gibbs, have read the above and swear that it is true and accurate to the best of my ability and is made in good faith.



Steven Gibbs

State of Florida

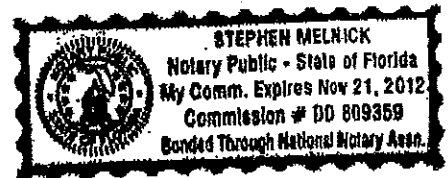
County of Broward

The forgoing instrument was acknowledged before me this 4<sup>th</sup> day of Aug, 2009 by Steven Gibbs who is personally known to me and who did take an oath, says that he executed the forgoing sworn motion to disqualify the court and is true and correct.



Notary Public

My Commission Expires:



I hereby certify that the above Motion and statement of Steven Gibbs are made in good faith.



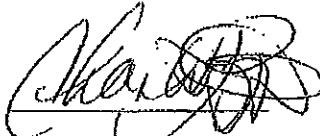
Stephen Melnick

FL :0794252

State of Florida

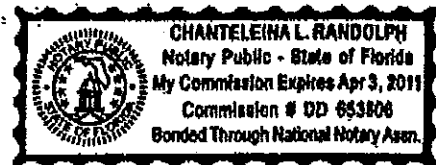
County of Broward

The forgoing instrument was acknowledged before me this 5 day of Aug, 2009 by Stephen Melnick who is personally known by me and who did take an oath and says that the executed forgoing Motion to Disqualify the Court is true and accurate.



Notary Public

My Commission Expires"

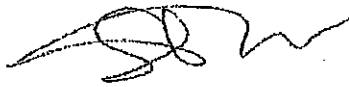


Respectfully Submitted,

Stephen Melnick

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the forgoing Motion was served upon Broward County States Attorneys Office this 6 day of August, 2009, by Hand delivery.



Stephen Melnick

629 South East 5<sup>th</sup> ave

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FL bar # 794252

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